REMARKS

Claims 56-72 are pending in the application.

Claims 56-72 stand rejected.

Claims 56, 62 and 68 have been amended.

Formal Matters

The specification has been amended to update the status of the applications incorporated by reference in the cross-references to related applications section. No new matter has been added.

Rejection of Claims under 35 U.S.C. §101

Claims 68-72 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claim 68 to address the Examiner's concerns, and respectfully thank the Examiner for his diligence in this regard.

Rejection of Claims under 35 U.S.C. §112

Claims 68-72 stand rejected under 35 U.S.C. § 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention. Applicants have amended claim 68 to address the Examiner's concerns, and again respectfully thank the Examiner for his diligence in this regard.

Rejection of Claims under 35 U.S.C. §102

Claims 56, 62 and 68 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Thrysoe, U.S. Patent No. 6,574,238 (Thrysoe).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Claim 56, as amended, now reads:

56. A method comprising:
receiving a first frame and a second frame, wherein
said second frame is received subsequently to said first frame, and
said first frame and said second frame are time-division multiplexed frames; and
relocating network management information from a first set of byte locations of said first frame to a second set of byte locations of said second frame.

Amended independent claims 62 and 68 now recite similar limitations (claim 68 having not been addressed in the Office Action, but assumed to be rejected under the same or similar rationale).

Thrysoe, by contrast, is directed to:

"A method of transmitting data between an interface device and an inter-switch link includes receiving a frame on the inter-switch link and determining whether the frame's payload is an encapsulated frame and forming a modified frame when the frame's payload is an encapsulated frame. The header of the modified frame includes a subset of data from the received frame's header. A link interface device is also featured. The link interface device includes a data transmitting and receiving unit, frame type circuitry, and frame modification circuitry. The data transmitting and receiving unit couples the device to an inter-switch link to transmit and receive data frames on the link. The frame type circuitry can receive data frames from the transmitting and receiving unit and can determine whether a payload segment in the received data frame is an encapsulated frame. The frame modification circuitry is coupled to the frame type circuitry and can modify frame header segment data when the payload segment in the received frame is an encapsulated frame." (Thrysoe, Abstract)

Thus, Thrysoe is directed to the rearrangement of the same frame, at best (and, in fact, a point of comparison which Applicants do not concede provides anything approaching sufficient basis for the proposition for which Thrysoe is cited). As can be seen, Thrysoe fails to show, teach or even suggest the rearrangement of multiple frames using each others' contents (protocol control information or otherwise), let alone the writing of information from one frame (situated in a given location in that frame) to another frame (in yet another position within that another frame).

Applicants therefore believe that the aforementioned amendments are in line with distinctions between the claimed invention and Thrysoe, as now noted, and respectfully assert that independent claims 56, 62 and 68 are now sufficiently distinguished from Thrysoe (as well as any permissible combination of Thrysoe and Upp, as noted subsequently) and so are now in condition for allowance. At the very least, Applicants respectfully submit that the rejection based on Thrysoe is overcome thereby, as follows.

In light of the foregoing arguments, Thrysoe fails to anticipate the claimed invention, as claimed in independent claims 56, 62 and 68. Moreover, Applicant respectfully asserts that claims depending therefrom, are also allowable, for at least the foregoing reasons.

Rejection of Claims under 35 U.S.C. §103

Claims 57-61 and 63-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thrysoe, U.S. Patent No. 6,574,238 (Thrysoe) in view of Upp, et al., U.S. Patent No. 4,967,405 (Upp). Applicants respectfully traverse this rejection, both as an initial matter, as well as in light of the amendments presented herein.

As noted above, Thrysoe is directed to the rearrangement of the same frame, at best (and, in fact, a point of comparison which Applicants do not concede provides anything approaching sufficient basis for the proposition for which Thrysoe is cited). As can be seen, Thrysoe fails to show, teach or even suggest the rearrangement of multiple frames using each others' contents (protocol control information or otherwise), let alone the writing of information from one frame (situated in a given location in that frame) to another frame (in yet another position within that another frame).

Unfortunately, Upp fails to cure this infirmity. As will be appreciated, Upp is not, in fact, cited in this regard, and appropriately so. Upp is directed to:

> "A modular, expandable, non-blocking system for cross-connecting high speed digital signals is provided. The system is capable of connecting DSn, CEPTn, and STSn signals as desired, with lower rate signals being included as components of the high-rate signals or terminating on low speed lines, as desired. The system accomplishes its goals by converting all incoming signals into a substantially SONET format, and by processing all the signals in that format. The signals are typically cross-connected in the substantially SONET format, although an expandable non-blocking wide band cross-connect module is provided which cross-connects any like signals. If the outgoing signal is to be in other than SONET format, the substantially SONET formatted signal is reconverted into its outgoing format. To create a complete system, various modules are utilized, including: add/drop multiplexer means for add/drop applications of DS-0, DS-1, CEPTn signals, etc.; a SONET bus interface; a virtual tributary cross-connect module which cross-connects virtual tributary payloads in space, time, and phase to generate new substantially SONET formatted signals; a wide band cross-connect module; a DS-3/SONET converter; and front end interfaces including a DS3 line interface, and various STSn interfaces. The modules may be mixed and matched as desired to accommodate a multitude of applications." (Upp, Abstract)

Thus, Upp is directed to modular, expandable, non-blocking system for cross-connecting high speed digital signals. As can be seen, Upp therefore also fails to show, teach or even suggest the rearrangement of multiple frames using each others' contents (protocol control information or otherwise), let alone the writing of information from one frame (situated in a given location in that frame) to another frame (in yet another position within that another frame).

Moreover, not only does Upp fail to show, teach or suggest the movement of protocol control information from one place in a frame to another (let alone Upp's completely ignoring the movement of protocol control information from one frame to an entirely different frame), Upp ensures that any such information (though Applicants do not intend that any such parallels can be drawn) remain in place within a given frame. Thus, one of skill in the art would certainly not rely on Upp for such teachings, given the antithetical nature of such teachings to Upp's basic tenets.

For these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of claims 56, 62 and 68, and all claims dependent upon them, and that they are in condition for allowance. Applicants therefore request the Examiner's reconsideration of the rejections to those claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **May 29, 2007**.

Attorney for Applicants — Date of Signature: 5/29/07

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